

STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES

James Perkins
290 Bellevue Road
New Haven, CT 06511

Petition No. 930127-00-002

MEMORANDUM OF DECISION

PROCEDURAL BACKGROUND:

On March 8, 1993, the Department of Health Services ("Department") presented the Connecticut Board of Examiners for Embalmers and Funeral Directors ("Board") with a Statement of Charges brought against James Perkins ("Mr. Perkins" or "Respondent"), dated March 5, 1993. (Department Exhibit 4). The Statement of Charges alleged in one count that the Respondent violated Connecticut General Statutes §20-220.

In related matters on March 8, 1993, the Department presented the Board with a Motion for Summary Suspension against John Iacobucci, Embalmer ("Mr. Iacobucci"), and a Motion for Summary Suspension against Perkins Funeral Home ("Home"). (Department Exhibits 1 and 3). The Memorandum of Decision for Mr. Iacobucci is a separate document captioned as John Iacobucci, Embalmer, License No. 2169, 745 Wintergreen Avenue, Hamden, CT 06514; Petition No. 930127-30-002. The Memorandum of Decision for the Home is a separate document captioned as Perkins Funeral Home, Inspection Certificate No. 489, c/o John Iacobucci, 745 Wintergreen Avenue, Hamden, CT 06514; Petition No. 930127-56-001.

The Notice of Hearing and Statement of Charges were served at the Respondent's usual place of abode on March 10, 1993. (Department Exhibit 4). Mr. Perkins filed a sworn response to the Statement of Charges on the letterhead of Frank P. Cannatelli, Attorney at Law, dated April 18, 1993. The Department received this transmission by facsimile transmission on April 19, 1993. (Department Exhibit 5; Transcript 4/19/93 p. 15).

Mr. Iacobucci requested a continuance of the original hearing date, as well as the subsequent hearing dates set by the Board of March 26, 1993, and April 1, 1993. The Board granted these continuances.

The Board held an administrative hearing on April 19, 1993 to adjudicate the related cases of Mr. Perkins, Mr. Iacobucci, and the Home. The Respondent did not appear at the hearing nor did a representative appear on his behalf.

All members of the Board involved in this decision attest that they have either heard the case or read the record in its entirety. The decision is based entirely on the record and the specialized professional knowledge of the Board in evaluating the evidence.

FINDINGS OF FACT:

1. Mr. Perkins was the holder of Connecticut Embalmer License

No. 001575 when the Board revoked it on September 6, 1990.
(Department Exhibits 4 and 5).

2. At all times referenced in the Statement of Charges, Mr. Perkins was not the holder of a Connecticut funeral director or embalmer license. (Department Exhibits 4 and 5).

3. With Regard to the First Count:

In the First Count, the Department alleged that on January 18, 1993, and subsequent thereto, Mr. Perkins violated Connecticut General Statutes §20-220 in performing the services of a funeral director by: (a) removing decedent Thelma Bouie; (b) transporting Ms. Bouie to the Home; (c) supervising the making of funeral arrangements; (d) supervising or directing a funeral; (e) supervising or directing the interment of a casket; and/or (f) supervising or directing the disinterment of a casket.

4. Thelma Bouie died on January 18, 1993; Mr. Perkins removed Ms. Bouie's body from her home on that date. (Department Exhibit 5; Transcript 4/19/93 pp. 25-26). Ms. Bouie's family members met with Veronica Leal at the Home that evening and began discussing funeral arrangements. (Transcript 4/19/93 pp. 27-28).

5. Mr. Perkins walked into the office at the Home while Ms. Leal was meeting with Ms. Bouie's family members. Mr. Perkins

asked how Ms. Leal was treating them. Mr. Perkins also told Ms. Bouie's family members to let him know if Ms. Leal gave them any trouble. Based on Mr. Perkins's behavior, Ms. Bouie's son, Rondall Roach, assumed Mr. Perkins was the manager of the Home. (Transcript 4/19/93 pp.28-29).

6. Ms. Bouie's funeral took place on January 22, 1993. Mr. Perkins transported Ms. Bouie's family members to the Home for services. (Transcript 4/19/93 p. 30). Mr. Perkins was present at the funeral; he appeared to be in charge of the funeral. (Transcript 4/19/93 p. 29).

7. After the service at the Home, the family processed to Beaverdale Cemetery. Mr. Perkins decided that his employees would serve as pallbearers, although there was a prior agreement that family members would be pallbearers. (Transcript 4/19/93 p.30).

8. Mr. Perkins's employees transported Ms. Bouie's casket to the grave site. After the brief service, Mr. Roach stayed to see Ms. Bouie's casket interred. Mr. Perkins told Mr. Roach they had to go. (Transcript 4/19/93 pp. 30-31). When Mr. Perkins realized that Mr. Roach intended to stay, Mr. Perkins spoke to an employee of the cemetery, and Ms. Bouie's body was immediately interred. (Transcript 4/19/93 p.31).

9. As Mr. Roach was leaving the cemetery, he noticed that the hearse had stayed behind. He thought this was strange and went

back to the cemetery. (Transcript 4/19/93 pp. 32-33). Mr. Roach went back to his mother's grave site and discovered that his mother's casket was gone. He questioned one of the cemetery employees, who informed him "they took it." (Transcript 4/19/93 p. 33).

10. Mr. Roach returned to the Home and located Ms. Bouie's casket there. One of Mr. Perkins's employees told him that they were missing a top for the vault and were unable to bury Ms. Bouie without it. (Transcript 4/19/93 pp. 33-35).

DISCUSSION AND CONCLUSIONS OF LAW:

Connecticut General Statutes §20-220 provides in pertinent part:

Except as provided in section 20-223, no person shall carry on or engage in the business of funeral directing, or hold himself out to the public as a funeral director, unless he is licensed by the department of health services as a funeral director....

The Department sustained its burden of proof as to the First Count. As set forth in the Findings of Fact, Mr. Roach provided credible testimony that Mr. Perkins performed numerous services of a funeral director with respect to Mr. Roach's mother, Ms. Bouie. The Board finds that Mr. Perkins was intentionally and deliberately operating as a funeral director without a license. Accordingly, the Board finds that Mr. Perkins violated Connecticut General Statutes §20-220.

ORDER:

Pursuant to the authority vested in it by Connecticut General Statutes §19a-11 and §19a-17, the Board orders the following in this case against James Perkins, Petition No. 930127-00-002:

1. Mr. Perkins shall immediately cease holding himself out as a funeral director or embalmer.
2. The Office of the Attorney General shall petition the Superior Court for the Judicial District of New Haven for the enforcement of this order.
3. The Department shall bring Mr. Perkins to the attention of the Office of the State's Attorney so that it can take any action against him as it deems appropriate and consistent with law.
4. This Order becomes effective upon the signature of the Board chairperson.

Connecticut Board of Examiners for
Embalmers and Funeral Directors

6/17/93

DATE

Morton L. Weinstein

by: Morton L. Weinstein, Chairperson